

4/3/2020 12:08 PM
20CV14615

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JOHN PAPPAS,

Plaintiff,

v.

BIG LOTS STORES, INC., an Ohio
corporation,

Defendant.

Case No. 20CV14615

COMPLAINT
(Bodily Injury)

Not subject to mandatory arbitration

Prayer: \$730,814.36
Fee authority: ORS 21.160(1)(c)

Plaintiff alleges:

JURISDICTION

1.

At all times material, 2083 N.E. Burnside Rd. was in Gresham, Oregon.

BACKGROUND INFORMATION

2.

On November 10, 2018, Plaintiff John Pappas was shopping at the Big Lots store located at 2083 N.E. Burnside Rd. in Gresham, Oregon.

3.

This store was owned and operated by Defendant Big Lots Stores, Inc.

4.

Employees at this store are therefore employees of Defendant, and Defendant is vicariously responsible for the acts of its employees under the doctrine of *respondeat superior*.

5.

As a customer of the store, Plaintiff was a business invitee of Defendant.

6.

As Plaintiff was waiting in the checkout line to pay for a purchase, employees of Big Lots were using a dolly to move a large heavy box believed to contain a fireplace mantle. As the box neared Plaintiff, it fell, hitting Plaintiff on his left leg and knocking him into a nearby display rack.

NEGLIGENCE CLAIMS

7.

Defendant's employees were negligent in causing the box to fall and hit Plaintiff in one or more of the following ways:

- (a) Failing to use a flatbed cart or other suitable device to move a box of this size;
- (b) Failing to control the box to prevent it from falling while being moved; and
- (c) Failing to maintain a proper lookout when moving the box.

DAMAGE CLAIMS

8.

Defendant's negligence as alleged caused the following injuries to Plaintiff, some or all of which are permanent and partially disabling:

- (a) Twisting and wrenching of the muscles, nerves, and ligaments in his neck and back;
- (b) Injury to the disc(s), nerves, and tissue in his lower spine;
- (c) Injury to the vertebra of his lower back; and
- (d) Injury to the muscles, nerves, and ligaments in his left hip.

His injuries have resulted in pain and suffering, and significant impairment and limitation to his physical activities and well-being, all to his non-economic damage in an amount not to exceed \$700,000.00.

9.

As a further result of Defendant's negligence, Plaintiff has incurred medical expenses for

1 treatment in the amount of \$30,814.36, all to his economic damage. This amount may be
2 amended at trial.

3 **PRAYER**

4 Plaintiff prays for judgment against Defendant as follows:

- 5 (a) For economic damages in the amount of \$30,814.36;
6 (b) For non-economic damages in an amount not to exceed \$700,000.00;
7 (c) For allowable costs and expenses; and
8 (d) For such other relief as this Honorable Court deems just and proper.

9 DATED: April 2, 2020.

10 **VAMES & WANG**

11 By: /s/Emery Wang
12 EMERY WANG, OSB #095410
13 emery@vameswang.com
14 Of Attorneys for Plaintiff
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4/17/2020 11:16 AM
20CV14615**AFFIDAVIT OF SERVICE**

State of Oregon

County of MULTNOMAH

CIRCUIT Court

Case Number: 20CV14615

Plaintiff:

JOHN PAPPAS

vs.

Defendant:

BIG LOTS STORES, INC., an Oregon corporation

Received by PI Services, LLC on the 6th day of April, 2020 at 11:09 am to be served on **BIG LOTS STORES, INC., c/o CORPORATION SERVICE COMPANY, Registered Agent, 1127 BROADWAY STREET NE, SUITE 310, SALEM, OR 97301.**

I, Beth Parker, being duly sworn, depose and say that on the **6th day of April, 2020 at 2:10 pm, I:**

Served **BIG LOTS STORES, INC., c/o CORPORATION SERVICE COMPANY, Registered Agent** pursuant to ORCP 7D(3)(B) by delivering a true copy of the **Summons and Complaint** to **SHARON WALLS, SERVICE OF PROCESS TECHNICIAN**, person in charge of the office who is authorized to accept service at **1127 BROADWAY STREET NE, SUITE 310, SALEM, OR 97301.**

I certify that I was and now am a competent person, over the age of 18 years, and a resident of the State of Oregon or the state of service. I am not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise and I know that the person, firm or corporation served is the identical one named in the action.

I also certify that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Subscribed and Sworn to before me on the 10th day of April, 2020 by the affiant who is personally known to me.

Patricia S. Bennett
NOTARY PUBLIC

Beth Parker

Beth Parker
Process Server

PI Services, LLC
P.O. Box 157
Beaverton, OR 97075-0157
(503) 643-4274

Our Job Serial Number: PAT-2020000694
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FOR THE COUNTY OF MULTNOMAH

JOHN PAPPAS,

Plaintiff,

v.

BIG LOTS STORES, INC., an Ohio
corporation,

Defendant

Case No. 20CV14615

SUMMONS

To: **Big Lots Stores, Inc.**
c/o Corp. Svc. Co., Reg. Agent
1127 Broadway St. NE
Suite 310
Salem, OR 97301

IN THE NAME OF THE STATE OF OREGON: You are hereby required to appear and defend the Complaint filed against you in the above civil action within thirty (30) days from the date of service of this Summons upon you, and you are notified in case of failure to do so, the plaintiff will apply to the Court for the relief demanded in the Complaint.

**NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY**

You must appear in this case or the other side will win automatically. To "appear" you must file with the Court a legal document called "motion" or "answer." The "motion" or "answer" must be given to the Court clerk or administrator within 30 days, along with the required filing fee. It must be in proper form, and have proof of service on the plaintiff's attorney, or if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metro area) or toll free elsewhere at (800) 452-7636.

VAMES | WANG

/s/Emery Wang

EMERY WANG, OSB #095410
emery@vameswang.com

Of Attorneys for Plaintiff
600 NW Fariss Rd., Ste. 118
Gresham, OR 97030
Tel: 503-669-3426 | Fax: 503-573-8373

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service upon a separate similar document which you shall attach hereto.